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April 25, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
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From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE - GUN VIOLENCE LEGISLATION

Executive Summary

This memorandum is to provide the Board an update on the status of legislation and County advocacy efforts in Sacramento relating to gun violence as well as the status of bills of significant interest to the County related to guns and gun violence.

Overview

As reported in the March 6, 2013 Sacramento Update, the Legislature introduced numerous measures to address gun violence and accessibility of firearms in response to the December 2012 shooting in Newtown, Connecticut. These measures have begun to be heard in policy committees and are proceeding through the legislative process.

A number of the bills are identical or have similar provisions, but to date, the Legislative leadership has not indicated its overall plan to reconcile bills between the two houses. Senate President Pro Tem Steinberg has continued to advocate for a package of Senate bills, collectively named the Life Act, which address a number of gun-related issues including ammunition purchases, limitations on high capacity magazines and expansion of the definition of assault weapons. Governor Brown has not signaled his

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position on any of the proposed gun-related legislation moving through the Legislature or on the overall issue of amending or strengthening current laws related to firearms.

This office will continue to provide ongoing reports on State and Federal gun-related legislation and will keep the Board apprised of significant developments related to gun violence.

Status of County-Advocacy Legislation

This office and the Sacramento advocates continue to actively pursue the following measures:

County-supported SB 53 (De León), which as amended on April 1, 2013, would: 1) require anyone who purchases ammunition, beginning July 1, 2017, to hold an ammunition purchase permit; 2) authorize the California Department of Justice to issue ammunition purchase permits to applicants who are residents of the State, at least 18 years of age, not prohibited from acquiring or purchasing ammunition and who pay a specified fee; 3) require that delivery or transfer of ownership of any ammunition occur in a face-to-face transaction; 4) require that, commencing July 1, 2014, only a licensed ammunition vendor may sell ammunition, among other provisions, passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013. The bill is currently pending hearing in the Senate Appropriations Committee.

County-supported SB 140 (Leno and Steinberg), which as amended on April 11, 2013, would appropriate \$24.0 million to the California Department of Justice from the Dealers' Record of Sale Special Account for the limited purpose of addressing the current Armed Prohibited Persons System backlog, passed the Assembly Floor by a vote of 65 to 10 on April 18, 2013. The Senate concurred with Assembly amendments on April 22, 2013 and the bill now proceeds to the Governor. SB 140 is an urgency measure and would take effect immediately if signed by the Governor.

Status of Legislation of County Interest

Ammunition

AB 48 (Skinner), which as amended on April 4, 2013, would prohibit the manufacture, import, or sale of any device capable of converting an ammunition feeding device into a large-capacity magazine and would revise the definition of a large-capacity magazine to include an ammunition feeding device with capacity to accept more than 10 rounds. The bill would also require that anyone who sells, transfers, or otherwise furnishes any ammunition to an individual or business entity in California to possess a license to sell

ammunition or a license to sell firearms, to require proper identification, to be an authorized firearms dealer, and to report the sales to the California Department of Justice. AB 48 passed the Assembly Public Safety Committee by a vote of 5 to 2 on April 2, 2013 and is currently pending in the Assembly Appropriations Committee.

AB 187 (Bonta), which as amended on March 19, 2013, would impose a tax upon retailers to sell ammunition at the rate of 10% of the gross receipts from the sale of ammunition sold in the State on or after January 1, 2014. The bill would also impose a comparable excise tax on the storage, use, or other consumption of ammunition purchased from a retailer. AB 187 is scheduled for hearing in the Assembly Committee on Revenue and Taxation on May 6, 2013.

AB 760 (Dickinson), which as amended on March 19, 2013, would impose a tax upon retailers of ammunition at the rate of \$0.05 per item of ammunition sold at retail on or after January 1, 2014. The bill would also impose an additional \$0.05 excise tax on the storage, use, or other consumption of ammunition purchased from a retailer for storage, use, or other consumption. Revenues collected would be allocated to the School-Based Early Mental Health Intervention and Prevention Services Matching Grant Program. AB 760 is currently pending in the Assembly Committee on Revenue and Taxation.

SB 396 (Hancock and Steinberg), which as amended on April 3, 2013, would revise the definition of a large capacity magazine to mean capable of holding more than 10 rounds, but not applying to a feeding device that has been permanently altered so that it cannot hold more than 10 rounds. The bill would also, commencing July 1, 2014, make it an offense for any person in California to possess a large-capacity magazine, regardless of the date the magazine was acquired, punishable by imprisonment in a county jail not exceeding one year, and would authorize various methods by which a person in lawful possession of a large-capacity magazine may dispose of the magazine prior to the July 1, 2014 prohibition on possession. SB 396 passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013 and is currently pending in the Senate Appropriations Committee.

Assault Weapons

AB 170 (Bradford), which as amended on March 20, 2013, would define a person as an individual and, on and after January 1, 2014, prohibit a partnership, corporation, limited liability company, association, or any other group or entity, regardless of how the entity was created, to be issued a permit to possess an assault weapon or a .50 BMG rifle. AB 170 passed the Assembly Floor by a vote of 49 to 24 on April 15, 2013 and is currently pending referral in the Senate.

SB 47 (Yee), which as amended March 20 2013, would revise the definition of an assault weapon prohibited under California law to mean a semiautomatic, centerfire rifle or a semiautomatic pistol that does not have a fixed magazine but any one of a series of attributes and to revise the definition of a fixed magazine. The bill would require that any person who lawfully possessed an assault weapon, from January 1, 2001 to December 31, 2013, to register the firearm and would permit the California Department of Justice to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the Department and require the registration to contain specified information and to be submitted electronically. SB 47 passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013 and is currently pending in the Senate Appropriations Committee.

SB 374 (Steinberg, Hancock and Yee), which as introduced on February 20, 2013, would classify a semiautomatic, rimfire or centerfire rifle that does not have a fixed magazine with the capacity to accept 10 rounds or fewer as an assault weapon. This bill would also require a person who, between January 1, 2001, and prior to January 1, 2014, lawfully possessed an assault weapon that does not have a fixed magazine to register the firearm by July 1, 2014. SB 374 passed the Senate Public Safety Committee on April 16, 2013 and is currently pending in the Senate Appropriations Committee.

Gun Manufacturing, Sales and Transfer

AB 169 (Dickinson), which as amended on April 1, 2013, would repeal exemptions related to the manufacturing, importing, selling, giving, or lending of unsafe handguns and to prohibit a person, exempted under various provisions, from selling or otherwise transferring the ownership of the handgun to a person who is not exempted under the same provision, unless the transaction is exempt from the requirement to complete the transaction through a licensed firearms dealer. AB 169 passed the Assembly Public Safety Committee by a vote of 5 to 2 on April 2, 2013 and the Assembly Appropriations Committee by a vote of 12 to 5 on April 17, 2013. The measure is currently pending on the Assembly Floor.

AB 740 (Alejo), which as amended on April 8, 2013, would revise the definition of "infrequent" to less than six allowable firearm transfers per year that are exempt from certain provisions of law and would make it a crime for a person to purchase or receive a firearm from a dealer, knowing or having reasonable cause to believe that the delivery of that firearm violates specified provisions regulating the delivery of a firearm by a dealer. The bill would make it a crime for any person, corporation, or dealer to transport or bring into the State a firearm for the purpose of selling, transferring, or loaning the firearm with the intent to avoid the requirement that the transaction be conducted by a

dealer, or with the intent to avoid the requirements of any exemption to that dealer requirement. AB 740 is currently pending hearing in the Assembly Public Safety Committee.

SB 293 (DeSaulnier), which as introduced on February 14, 2013, would require, after a specified period as determined by the California Attorney General, handguns available for retail sale to be owner-authorized. The bill would define owner-authorized as having certain performance and safety standards that would only allow an individual to use the firearm if they are recognized by a recognition device and to disable the weapon if not handled by the authorized owner, among other attributes. SB 293 passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013 and is set for hearing in the Senate Appropriations Committee on April 29, 2013.

SB 683 (Block), which as amended on April 1, 2013, would prohibit a person from purchasing or receiving any firearm without a valid firearm safety certificate and would prohibit any person from selling, delivering, loaning, or transferring any firearm to a person who does not have a valid firearm safety certificate. SB 683 passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013 and is currently pending in the Senate Appropriations Committee.

Gun Storage

SB 108 (Yee), which as amended on April 1, 2013, would provide that a person who is 18 years of age or older and who is the owner, renter, or other legal occupant of a residence, shall not, while outside of that residence, keep in that residence a firearm that he or she owns or has lawful possession of, unless the firearm is stored in one of certain specified ways, including in a gun safe or by using a firearm safety device. SB 108 passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013 and is set for hearing in the Senate Appropriations Committee on April 2, 2013.

SB 363 (Wright), which as amended on April 22, 2013, would require each person who owns or possesses any firearm who resides with an individual who he or she knows, or has reason to know, is prohibited from possessing, receiving, owning, or purchasing a firearm to secure the firearm within a locked container, or with a locking device, or within a gun safe, and to store the firearm so that the individual may not gain access to the firearm. SB 363 is currently pending hearing in the Senate Public Safety Committee.

Licenses, Waiting Period and Reporting

AB 500 (Ammiano), which as introduced on February 20, 2013, would require the California Department of Justice, if it has not completed the examination of its records within two days prior to the conclusion of the mandatory 10-day waiting period for purchase of a firearm, to notify the dealer of this fact, and would require the dealer to withhold delivery of the firearm until seven days have elapsed after the notification is received by the dealer. The bill would also prohibit a person who is residing with someone who is prohibited by State or Federal law from possessing a firearm, from keeping a firearm at that residence unless the firearm is either kept within a locked container, locked gun safe, locked trunk, locked with a locking device, disabled by a firearm safety device, or carried on the person. AB 500 passed the Assembly Public Safety Committee by a vote of 5 to 2 on April 2, 2013, and is currently pending in the Assembly Appropriations Committee.

AB 538 (Pan), which as amended on April 17, 2013, would clarify various exceptions and exemptions to the sale, delivery, or transfer of a firearm; certain licensing requirements; information entered into Statewide databases regarding the destruction of weapons; and the information provided at time of sale or transfer of a firearm and other provisions. AB 538 is currently pending hearing in the Assembly Public Safety Committee.

AB 871 (Jones), which as introduced on February 22, 2013, would require the sheriff or head of a municipal police department to issue a license to carry a concealed firearm for good cause, if the applicant meets specific requirements. The bill would also specify that good cause includes personal protection or self-defense. AB 871 failed passage in the Assembly Public Safety Committee by a vote of 2 to 5 on April 16, 2013.

AB 1020 (Bonta), which as amended April 10, 2013, would require the Attorney General to send a letter to each individual who has applied to purchase a firearm informing him or her of laws related to firearms, gun trafficking and safe storage. AB 1020 is currently pending hearing in the Assembly Public Safety Committee.

SB 299 (DeSaulnier), which as amended on April 10, 2013, would require an individual to report the theft or loss of a firearm he or she owns to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within 48 hours of the time he or she knew or reasonably should have known that the firearm had been lost or stolen. The bill would require every person who has reported a firearm lost or stolen to notify the local law enforcement agency within 48 hours if the firearm is subsequently recovered. The bill would also impose additional requirements related to the reporting of lost or stolen firearms. SB 299 passed the Senate Public Safety Committee by a vote

of 5 to 2 on April 16, 2013 and is set for hearing in the Senate Appropriations Committee on April 29, 2013.

Prohibited Persons

AB 539 (Pan), which as introduced on February 20, 2013, would allow anyone who is prohibited from owning or possessing a firearm to transfer any firearm or firearms in his or her possession to a licensed firearms dealer for the duration of the prohibition, if the prohibition on owning or possessing the firearm will expire on a date specified by court order. AB 539 is currently pending hearing in the Assembly Public Safety Committee.

SB 38 (De León), which as amended on April 11, 2013, would, no later than July 1, 2014, require the California Department of Justice to establish a 15-day amnesty period during which a person prohibited from possessing a firearm may surrender his or her firearms to a local law enforcement agency without being charged with illegal possession of a firearm. The bill would also impose a civil fine up to \$2,500 per firearm on a person prohibited from possessing a firearm who still maintains possession of his or her firearms after the amnesty period. The bill would authorize the Department to conduct a public awareness campaign in conjunction with local law enforcement to promote the amnesty period. SB 38 is set for hearing in the Senate Public Safety Committee on April 30, 2013.

SB 127 (Gaines), which as amended on April 1, 2013, would require a licensed psychotherapist to make a report to local law enforcement electronically within 24 hours when a person has communicated a serious threat of physical violence against a reasonably identifiable victim or victims. SB 127 is set for hearing in the Senate Public Safety Committee on April 30, 2013.

SB 755 (Wolk), which as amended on April 3, 2013, would add misdemeanor offenses to those misdemeanors that bar a person who has been convicted, within 10 years of the conviction, of owning or possessing any firearm. The bill would also make it a felony for any person to own or possess a firearm if the person has been convicted of two or more crimes within a 3-year period involving intoxication or possession of certain controlled substances. The bill would prohibit a person who has been ordered by a court to obtain assisted outpatient treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment. SB 755 passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013 and is pending in the Senate Appropriations Committee.

Other Gun Related Legislation of County Interest

AB 134 (Logue and Gray), which as amended on April 17, 2013, would provide that the California Public Records Act shall not be construed to require the disclosure of the names, home addresses, and telephone numbers of applicants that are set forth in applications to carry firearms or licensees to carry firearms. AB 134 is currently pending hearing in the Assembly Judiciary Committee.

AB 202 (Donnelly), which as amended on March 5, 2013, would establish the School Marshal Plan and authorize school districts, county offices of education, and charter schools to use general purpose funds to provide training to a school marshal. The bill would define a school marshal as a school employee who, in accordance with the Gun-Free School Zone Act of 1995 and pursuant to locally adopted policies, is authorized to possess a firearm at a school site or designated school activities. AB 202 failed passage in the Assembly Committee on Education by a vote of 1 to 5 on April 17, 2013.

AB 231 (Ting and Gomez), which as amended on April 18, 2013, would remove the dollar amount limitations for civil damages of a parent or guardian for injury to a person or property due to the discharge of a firearm by a minor, if the parent or guardian either permitted the minor to have the firearm or left the firearm in a place accessible to the minor. AB 231 passed the Assembly Public Safety Committee by a vote of 5 to 2 on April 16, 2013 and is currently pending the Assembly Appropriations Committee.

AB 232 (Ting), which as amended on April 2, 2013, would for taxable years beginning on or after January 1, 2014, allow a credit against the taxes imposed under the Personal Income Tax Law in an amount equal to a specified amount for a handgun, shotgun, rifle, or assault weapon in working condition that is either surrendered without consideration or sold to local law enforcement in a gun buyback program during the taxable year, not to exceed \$5,000 per taxable year. AB 232 passed the Assembly Public Safety Committee by a vote of 5 to 2 on April 16, 2013 and is currently pending hearing in the Assembly Committee on Revenue and Taxation.

AB 761 (Dickinson), which as amended on March 19, 2013, would prohibit the Public Employees' Retirement System and the California State Teachers' Retirement System from investing public employee retirement funds in a company with business operations that are described as the manufacture of firearms or ammunition. The bill would require the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board of the State Teachers' Retirement System to sell or transfer any investments in a company with these business operations. AB 761 is currently pending hearing in the Assembly Committee on Public Employees, Retirement and Social Security.

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AB 1084 (Melendez), which as introduced on February 22, 2013, would increase the penalties and sentences for violation of prohibitions on possessing, brandishing or discharging a firearm in school zones, and near playgrounds and youth centers. The bill would also increase the penalties and sentences for violation of additional firearms-related crimes. AB 1084 is currently pending hearing in the Assembly Public Safety Committee.

SB 567 (Jackson), which as amended on April 1, 2013, would revise the definition of a shotgun to delete the requirement that it be intended to be fired from the shoulder and would clarify that the projectile may be fired through either a rifled bore or a smooth bore. SB 567 passed the Senate Public Safety Committee by a vote of 5 to 2 on April 16, 2013 and is currently pending in the Senate Appropriations Committee.

We will continue to keep you advised.

WTF:RA
MR:KA:ma

c: All Department Heads
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